

**Notice of Allowability**

Application No.

09/814,371

Examiner

Susan Hanley

Applicant(s)

MCCREATH ET AL.

Art Unit

1651

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/21/06.
2. ☒ The allowed claim(s) is/are 1,3,5,9 and 12-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20061206</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                  |
|  | 9. <input type="checkbox"/> Other _____  |

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## DETAILED ACTION

### *Response to Amendment*

The declaration under 37 CFR 1.132 filed 8/21/06 is sufficient to overcome the rejection of claims 1, 3, 5, 9 and 12-14 based upon the obviousness rejection under 35 U.S.C. 103(a) over Lord (US 6,037,457) in view of Wilkins et al. (1992; "Wilkins"), Blomback et al. (1966; "Blomback"), Vukovich et al. (1980, abstract; "Vukovich"), Tripodi (WO 9213495), Garner et al. (US 5,639,940; "Garner"), Jennissen et al. (English translation of DE 4240119; "Jennissen"), Kutzko et al. (US 6,268,847; "Kutzko"), Sasaki et al. (US 4,295,855; "Sasaki") and Clark et al. (US 5,935,850: "Clark").

## EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Monaco on 12/8/06.

The application has been amended as follows:

### IN THE SPECIFICATION:

On page 9, at line 4, the phrase "lysine-sepharose" was replaced by -- lysine-SEPHAROSE (cross-linked beaded agarose) --.

On page 14, at line 18 "Sephacrose™" was replaced by -- SEPHAROSE --.

On page 14, line 19 was replaced by the following:

-- Phenyl SEPHAROSE (low and high substitution), Octyl SEPHAROSE and Alkyl SEPHAROSE, wherein SEPHAROSE is cross-linked beaded agarose --.

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On page 29, at line 6, "Sepharose™ " was replaced by -- SEPHAROSE (cross-linked beaded agarose) --.

On page 32, at lines 2 and 28, "Sepharose" was replaced by

-- SEPHAROSE (cross-linked beaded agarose) --.

On page 33, at line 2, "Sepharose" was replaced by -- SEPHAROSE (cross-linked beaded agarose) --.

On page 34, at line 25, "Sepharose®" was replaced by -- SEPHAROSE (cross-linked beaded agarose) --.

On page 35, at line 2, "Sepharose" was replaced by -- SEPHAROSE (cross-linked beaded agarose) --.

On page 37, at line 5, "Sepharose" was replaced by -- SEPHAROSE (cross-linked beaded agarose) --.

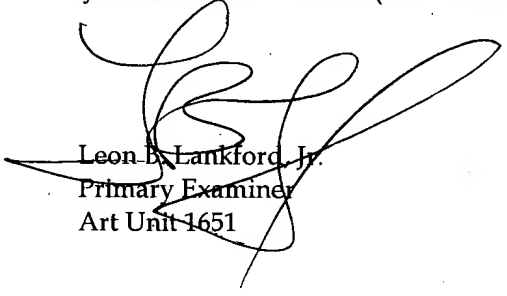
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Hanley whose telephone number is 571-272-2508. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Hanley  
Patent Examiner  
AU 1651



Leon H. Lankford, Jr.  
Primary Examiner  
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